GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Municipal Administration & Urban Development (CRDA) Dept. – Cancellation of allotment of returnable plots made to the purchasers of assigned lands under category (iv) of G.O.MS.No.41, MA&UD(CRDA.2) Department, dated 17.02.2016 under the land pooling scheme, which is in violation of provisions of A.P Assigned Lands (prohibition of transfers) Act 1977 – Orders – Issued.

MUNICIPAL ADMINISTRATION &URBAN DEVELOPMENT (CRDA.2) DEPARTMENT

G.O.MS.No. 316 **Dated: 18-12-2019**

Read the following:-

1. G.O.Ms.No.1, MA&UD (M2) Dept., Dated:01-01-2015,
2. G.O.MS.No.41, MA&UD (CRDA-2) Dept., Dt.17.02.2016
3. Note of the Revenue Department dt. 27.07.2019
4. From the Commissioner, APCRDA Lr. No. EE0EST(LDAL) / 112 / 2019, Dt. 14.10.2019 & 9.12.2019.

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ORDER:

In the G.O. 1st read above, Government has issued Land Pooling Scheme (Formulation & implementation) Rules 2015 for Andhra Pradesh Capital City. Further, Government in the G.O. 2nd read above i.e. vide G.O.Ms.No.41, MA&UD (CRDA-2) Department, Dt.17.02.2016, among others, has issued amendment orders to Rule 5(2) (A) (b) of Andhra Pradesh Capital City Land Pooling Scheme (Formulation & implementation) Rules 2015 for the Assigned Lands with categories (i) to (vi).

2. In the reference 4th read above, the Commissioner, Andhra Pradesh Capital Region Development Authority(APCRDA) has stated that the Category (iv) of the G.O.MS.No.41, MA&UD (CRDA-2) Department, Dt.17.02.2016 is for lands alienated to others are deemed to have been resumed to the Government and the Ryots who are cultivating the lands as Sivaijamadars shall be allotted per Acre as the return of reconstituted land of Residential of 500 Sq Yds / Acre of Dry & Jareebu lands & Commercial land of 50 Sq Yds for Dry & 100 Sq yds of Jareebu/semi urban land.

3. The Commissioner, APCRDA has stated that the Category (iv) of the G.O.MS.No.41, MA&UD (CRDA-2) Department, Dt.17.02.2016 attracts the provisions of Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 and further Amendment of the Act 8/2007 & 21/2008. By the time the G.O.MS.No.41, MA&UD (CRDA-2) Department, Dt.17.02.2016 issued this Act is in force and also as on date. Under the provisions of Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 and further Amendments thereon, the question of 'sivaijamadar' on Assigned Government land to the landless poor does not arise. In BSO-15 Sivaijamadar means who is in continuous possession from proceeding Fasli and a landless poor (to verify). The person who is in possession of assigned Government land attracts the provisions of Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, can't be a Sivaijamadar.

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4. Further, the Commissioner, APCRDA has stated that Section3(1) of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 Act prohibited the transfer of assigned land by the assignees to the purchasers or given by gift which amount to transfer / alienation, whereas the assigned land are intended for the purpose of eking out a livelihood by landless poor and purchase of assigned land is a violation of PoT, so to treat as SIVAIJAMADARS through G.O.Ms.41, MA&UD (CRDA-2) Department, Dated:17.02.2016 is violation of the provisions of Andhra Pradesh Assigned Lands (prohibition of transfers) Act 1977. Hence, the allotment of returnable plots by way of residential & commercial to the land purchasers of assigned land is in violation of provisions of AP Assigned Lands (prohibition of transfers) Act 1977 under the land pooling scheme.

5. In view of the above, the Commissioner, APCRDA has requested the Government to take a view on such allotments made to the purchases of assigned lands keeping in view the LPS scheme for Capital City.

6. Government after careful examination of the matter hereby issue order for cancellation of allotment of returnable plots of both Residential and Commercial nature made to the purchasers of assigned lands under category (iv) of G.O.MS.No.41, MA&UD(CRDA.2) Department, dated 17.02.2016 under the land pooling scheme, which is in violation of provisions of A.P Assigned Lands (prohibition of transfers) Act 1977 and for conveyance of such plots to the original Assignees or their legal heirs as per the provisions of the Act.

7. The Commissioner, Andhra Pradesh Capital Region Development Authority (APCRDA) and District Collector, Guntur shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J. SYAMALA RAO
SECRETARY TO GOVERNMENT

To
The Commissioner,
Andhra Pradesh State Capital Regional Development Authority, Vijayawada.
The Collector & District Magistrate, Guntur.

Copy to:-

The Revenue Department.
The Law Department .
The Addl. Secretary to Hon'ble C.M.
The PS to Chief Secretary to Govt. of A.P.
The PS to Secretary to Govt., MA&UD Dept.
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER